

**From:** [LERS, EOIR \(EOIR\)](#)  
**To:** [All of CLAD \(EOIR\)](#); [All of Judges \(EOIR\)](#); [All of OCIJ JLC \(EOIR\)](#); [Allen, Patricia M. \(EOIR\)](#); [Anderson, Jill \(EOIR\)](#); [Baptista, Christina \(EOIR\)](#); [Bauder, Melissa \(EOIR\)](#); [Berkeley, Nathan \(EOIR\)](#); [BIA ATTORNEYS \(EOIR\)](#); [BIA BOARD MEMBERS \(EOIR\)](#); [BIA TEAM JLC](#); [BIA TEAM P \(EOIR\)](#); [Brazil, Caitlin \(EOIR\)](#); [Burgie, Brea \(EOIR\)](#); [Burgus, Elizabeth \(EOIR\)](#); [Calvert, Irina \(EOIR\)](#); [Cardenas, Lupe \(EOIR\)](#); [Carr, Donna \(EOIR\)](#); [Cicchini, Daniel \(EOIR\)](#); [Cowles, Jon \(EOIR\)](#); [Crossley, Maurice \(EOIR\)](#); [Cudo, Relanie \(EOIR\)](#); [Curry, Michelle \(EOIR\)](#); [D'Angelo, Matthew \(EOIR\)](#); [Evans, Brianna \(EOIR\)](#); [Gonzalez, Robert \(EOIR\)](#); [Grodin, Edward \(EOIR\)](#); [Hammond, Nicole \(EOIR\)](#); [Hartman, Alexander \(EOIR\)](#); [Hess, Chris \(EOIR\)](#); [Kaplan, Matthew \(EOIR\)](#); [King, Jean \(EOIR\)](#); [Korniluk, Artur \(EOIR\)](#); [Lang, Steven \(EOIR\)](#); [LERS, EOIR \(EOIR\)](#); [Lovejoy, Erin \(EOIR\)](#); [Martinez, Casey L. \(EOIR\)](#); [Mitchell, Carla \(EOIR\)](#); [Morteo, Cristina \(EOIR\)](#); [Noferi, Mark \(EOIR\)](#); [Nunez, Steven \(EOIR\)](#); [O'Hara, Shelley M. \(EOIR\)](#); [Park, Jeannie \(EOIR\)](#); [Podgorski, Monika \(EOIR\)](#); [Powell, Karen B. \(EOIR\)](#); [Ramirez, Sergio \(EOIR\)](#); [Rimmer, Phillip \(EOIR\)](#); [Robbins, Laura \(EOIR\)](#); [Rodrigues, Paul A. \(EOIR\)](#); [Rodriguez, Bernardo \(EOIR\)](#); [Rothwarf, Marta \(EOIR\)](#); [Sanders, John W. \(EOIR\)](#); [Santoro, Christopher A \(EOIR\)](#); [Schaaf, Joseph R. \(EOIR\)](#); [Smith, Terry \(EOIR\)](#); [Stutman, Robin M. \(EOIR\)](#); [Swanwick, Daniel \(EOIR\)](#); [Taufa, Elizabeth \(EOIR\)](#); [Vayo, Elizabeth \(EOIR\)](#)  
**Cc:** [McHenry, James \(EOIR\)](#); [Reilly, Katherine \(EOIR\)](#); [Sheehey, Kate \(EOIR\)](#); [Moutinho, Deborah \(EOIR\)](#); [Alder Reid, Lauren \(EOIR\)](#); [Adams, Amanda \(EOIR\)](#); [Pease, Jeffrey \(EOIR\)](#); [Macri, Andrea \(EOIR\)](#); [Morgan, Kenosha \(EOIR\)](#); [FOIR Library \(EOIR\)](#)  
**Subject:** Policy & Case Law Bulletin - October 26, 2018  
**Date:** Friday, October 26, 2018 10:43:59 PM

---

**EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW**  
Office of Policy | Legal Education and  
Research Services Division

| Policy & Case Law Bulletin  
October 26, 2018

**Federal Agencies**

DOJ

• [Virtual Law Library Weekly Update — EOIR](#)

This update includes resources recently added to EOIR's internal or external Virtual Law Library, such as Federal Register Notices, country conditions information, and links to recently-updated immigration law publications.

DHS

• [USCIS Policy Manual Update](#)

On October 25, 2018, USCIS issued a notice of a policy guidance update in the USCIS Policy Manual removing references to Biographic Information (Form G-325A). "USCIS previously required those seeking certain immigration benefits to file Form G-325A with their application or petition. USCIS has now incorporated all versions of Form G-325A into USCIS forms that separately required them. Form G-325A is now used only for deferred action requests for certain enlistees and designated family members of certain military personnel, veterans, and enlistees. Accordingly, USCIS renamed the form as 'Form G-325A, Biographic Information (for Deferred Action).' The updated guidance in Parts A, F, L, M, and O of Volume 7: Adjustment of Status of the Policy Manual removes all references to Form G-325A."

• [USCIS Efforts Lead to Guilty Plea in Case of Unauthorized Practice of Immigration Law](#)

USCIS helped initiate an investigation that led to charges and a guilty plea from Veronica Perdomo for fraudulently practicing immigration law and impersonating an immigration officer. The plea included two counts of Wire Fraud; four counts of Impersonating an Officer or Employee of the United States; and twelve counts of Fraudulently Affixing the Seal of an Agency of the United States to a Document.

DOL

### Information Collection Related to the H-2A Program

On October 25, 2018, DOL “published a 60-day notice in the Federal Register announcing its intent to revise application forms, instructions, and other information under the H-2A temporary agricultural visa program. The proposed revisions are designed to better align information collection requirements with H-2A regulations, provide greater clarity to employers on regulatory requirements, standardize and streamline information collection for employers preparing H-2A applications and job orders, and promote great efficiency and transparency in the . . . review and issuance of labor certification decisions.”

- [ETA Announces an iCERT Enhancement to Streamline Processing](#)

On October 24, 2018, the Employment & Training Administration (ETA) implemented a new enhancement to the iCERT system related to the submission of applications for temporary labor certification under the H-2A and H-2B visa programs. The DOL “expects that this new feature will further streamline case processing by minimizing the submission of incomplete applications and by reducing the number of Notices of Deficiencies based on missing or incomplete data fields.”

GAO

- [GAO Issues Report on “Unaccompanied Children: Agency Efforts to Reunify Children Separated from Parents at the Border”](#)

On October 24, 2018, the U.S. Government Accountability Office (GAO) released an October 9, 2018 report that was prepared in response to a request for it to examine processes for tracking and reunifying separated families. This report discusses DHS and HHS planning efforts related to the AG’s April 2018 “zero tolerance” memo, systems for indicating children were separated from parents, and actions to reunify families in response to the June 2018 court order.

### **Fifth Circuit**

- [Lopez Ventura v. Sessions](#)

No. 17-60529, 2018 WL 5093238 (5th Cir. Oct. 19, 2018) (Retroactivity; Controlled Substances)

The Fifth Circuit granted the PFR, holding that the Board erred when it retroactively applied 8 U.S.C. § 1182(a)(2)-(A)(i)(II), where Lopez Ventura was charged with inadmissibility because he possessed AB-CHMINACA in a crime committed before the addition of that drug to the federal schedules of controlled substances. The court remanded the case for the agency to clarify whether Lopez Ventura was in fact convicted of possessing marihuana or AB-CHMINACA.

### **Sixth Circuit**

- [Preçetaj v. Sessions](#)

No. 18-3231, 2018 WL 5270305 (6th Cir. Oct. 24, 2018) (Motions)

The Sixth Circuit granted the PFR, concluding that the Board erred in denying a motion to reopen based on changed country conditions in Albania, where there have been crackdowns on Democratic Party activists—including Preçetaj’s family members—since the recent elections. The court determined that “the Board summarily concluded that Preçetaj’s evidence was insufficient to demonstrate changed country conditions, without providing a sufficiently detailed analysis for its conclusion.”

### **Eleventh Circuit**

---

- [United States v. Jones](#)

No. 17-12240, 2018 WL 5291324 (11th Cir. October 25, 2018) (Crime of Violence)

The Eleventh Circuit affirmed the district court, concluding that Jones's conviction for second-degree murder in Florida is a violent felony under the ACCA's elements clause (analogous to 18 U.S.C. § 16(a)), and therefore Jones is properly serving an enhanced sentence as a career criminal. Following *Hylor v. United States*, 896 F.3d 1219 (11th Cir. 2018) (determining that first-degree murder in Florida is a violent felony under the ACCA), the court concluded that Jones's conviction under Fla. Stat. § 782.04(2) is categorically a violent felony under the ACCA, even though the offense could be committed by the use of "indirect physical force," such as poison. The court further determined that the "mens rea distinction between first- and second-degree murder makes no difference to [the court's] determination" under the ACCA elements clause.